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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,972	09/20/2001	Satoru Torii	1341.1108	1922

21171 7590 02/07/2006

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EXAMINER

LIPMAN, JACOB

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/955,972	TORII ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jacob Lipman	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-24,27-29 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-24,27-29 and 31-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6, 8-24, 27-29, and 31-47, are rejected under 35 U.S.C. 102(b) as being anticipated by Huff et al., International Publication Number WO 99/57625.

With regard to claims 1, 9, 10, 15, 16, 21, 24, 28, 29, 32, 33, 39, 44, and 47, Huff discloses a medium which performs the steps of monitoring communication requests (page 4 lines 17-22), outputting a notification in case of an abnormality (page 5 lines 2-5), selecting a countermeasure from a database (page 12 lines 15-21) which manages content of notification and corresponding countermeasure (page 12 lines 26-29), and taking a countermeasure against the abnormality (page 5 lines 13-16) based on the selected countermeasure (page 5 lines 13-14), an information collection unit collecting information such as kind (page 20 lines 8-26) content (page 21 lines 14-15) order (page 20 lines 23-26) and time (page 17 lines 25-28) of multiple proceeding communications, and a reflecting unit which reflects the information to a database (page 21 lines 6-13) which selects a countermeasure based on mounting information and security information (page 5 lines 9-16).

With regard to claims 4, 8, 27, and 31, Huff discloses the configuration can be set (page 12 lines 1-15, lines 21-29).

With regard to claims 5, 6, 14, 28, and 37, Huff discloses multiple systems networked together (page 22 lines 20-24).

With regard to claims 11-13, 17, 19, 22, 34-36, 40, 42, and 45, Huff discloses the security server is available through the Internet (page 9 lines 1-16, page 12 lines 21-29).

With regard to claim 18, 20, 41, and 43, Huff discloses the request is in response to a request of a user (page 17 lines 14-22).

With regard to claims 23 and 46, Huff discloses a dummy database (page 21 lines 22-25).

### ***Response to Arguments***

3. Applicant's arguments filed 20 December 2006 have been fully considered but they are not persuasive. Applicant argues that the invention implements a counter measure before the actual attack is started to minimize damage, while Huff discloses a computer system that can detect and take countermeasure against actual or suspected misuse. Applicant goes on to argue that Huff is not capable of taking significant offensive or countermeasure actions to halt the intrusion, but that a protection operation is carried out only after the detection of an event.

The examiner points out that Huff does disclose offensive countermeasure (page 21 lines 6-13), and that these countermeasures are taken against intended intrusions (page 20 lines 19-26), and does not only react after an attack is successful. The examiner also points out that a predicted attack could be a later stage of an already executing attack. A current attack is a proceeding process of an attack if a virus is going to cause more damage. Huff discloses not only taking action against suspected intruder

(page 1 lines 2-5), but also to half further intrusion (page 4 lines 15-16), which are is a predicted attack to be avoided beforehand.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

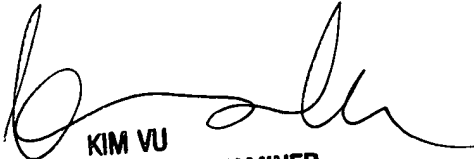
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100